


COMMISSION OF INQUIRY INTO THE
USE OF DRUGS AND BANNED PRACTICES
INTENDED TO INCREASE ATHLETIC PERFORMANCE

B E F O R E:

THE HONOURABLE MR. JUSTICE CHARLES LEONARD DUBIN

HEARING HELD AT 1235 BAY STREET,
2nd FLOOR, TORONTO, ONTARIO,
ON TUESDAY, JUNE 27, 1989

VOLUME 65



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C O U N S E L:

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R. ARMSTRONG, Q.C.

on behalf of the
Commission

R. BOURQUE

on behalf of the Canadian
Track and Field Association

A. PREFONTAINE

on behalf of the Government
of Canada

D. WISEMAN

on behalf of Kevin Roy

R. MORROW

on behalf of the Sport
Medicine Council of Canada

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5 THE COMMISSIONER: The landlord is giving us
a message. Kind of chilly in here, Mr. Registrar. Mr.
Proulx?

MR. PROUX: Mr. Commissioner, I'd like to
call Mr. Kevin Roy.

THE COMMISSIONER: Mr. Roy.

10 KEVIN ROY: Sworn

THE COMMISSIONER: All right. Your name,
please?

15 MR. WISEMAN: My name is David Wideman, Mr.
Commissioner.

THE COMMISSIONER: Very nice to have you
hear, Mr. Wideman. Mr. Wideman acts for Mr. Roy?

MR. PROUX: That's right.

THE COMMISSIONER: All right, Mr. Proux.

20 MR. PROUX: As you remember, Mr.
Commissioner, we did not call Mr. Roy at the time we held
the Montreal hearings and now we have the pleasure to
call.

25 EXAMINATION BY MR. PROUX:

Q. Mr. Roy, you started as a weightlifter -- in competing as a weightlifter when, exactly?

A. Competition, around 1975.

5 Q. And how old were you at the time?

A. I would have been about 12 years old.

Q. 12 years old. And did you -- let's see, was there anyone in your family who brought you into this discipline?

10 A. Well, my father competed quite a bit representing Canada at few international competitions, as well as my uncle competed in 1968 Olympics Games in weightlifting and sort of ---

15 THE COMMISSIONER: What were their names because I get the two names mixed up.

THE WITNESS: My father name is Ralph and my uncle would be Aldo.

THE COMMISSIONER: Aldo is your uncle?

THE WITNESS: Yes.

20

MR. PROUX:

Q. I understand you're from Sudbury?

A. Yes.

25 Q. And, at the time when you -- was your father from Sudbury, too?

A. Yes.

Q. And your uncle, Aldo?

A. Yes.

5 Q. I see. So, when you, at the age of 12,
showed some interest in this discipline, you lived in
Sudbury then and did you maintain an interest in
competing?

10 A. Basically, lifting weights, the main
reasons was to build up more size and strength for other
sports, hockey, baseball, whatever. And the competition
side of weightlifting just flowed as an incentive for the
training. There is a reason to train and that's to
improve on what you're doing at a competition.

15 Eventually, I got to enjoy individual
sports, or preferred individual sports more than I did
team sports and that's why I chose weightlifting over some
of the other sports.

Q. In 1979 did you participate to the
world junior championships?

20 A. That was my first international
competition.

Q. And what happened then?

A. What happened?

25 Q. Did you go -- where was it. At the
time?

A. It was in Hungary. I was 16 years old at the time.

Q. And when did you reach the national team, the senior national team?

5 A. It would have been 1981. That was the first year I was actually receiving funding or being carded.

Q. That's right.

A. And a member of the senior national ---

10 THE COMMISSIONER: You were 18 then, were you, Mr. Roy?

THE WITNESS: Yes.

MR. PROUX:

15 Q. And you were carded as a C athlete at the time?

A. Yes.

Q. And what would you receive -- what did you receive at the time from -- as a C athlete?

20 A. I believe 1981 until about '84, it was \$350 a month. And then once I entered university they would -- they were covering tuition as well.

THE COMMISSIONER: So you took advantage of the tuition aspect of the funding, as well?

25 THE WITNESS: Yes.

THE COMMISSIONER: Where did you go to university?

THE WITNESS: In Sudbury, Laurentian University.

5 THE COMMISSIONER: All right.

MR. PROUX:

Q. And did you live with your parents at the time?

10 A. Yes, I did.

Q. So, from 1981, when you became a carded athlete, you did participate in competitions in Canada or out of Canada?

A. Basically every national or
15 international competition that there is for weightlifting ranging from ---

THE COMMISSIONER: What was your category?

THE WITNESS: It varied from 1980 until now. It ranged from 82 kilos up to 110. As I got older, I
20 gained more weight and it's normal to fluctuate weight categories. I'm sort of caught into between a couple of them.

THE COMMISSIONER: Up and down?

THE WITNESS: Yes.

25 THE COMMISSIONER: All right.

MR. PROUX:

Q. Now, we heard before that there was a main training camp for weightlifters -- let's say we would call it the National Training Camp -- was in Montreal at the Trois Riviere Centre. Did you ever go there? Did you reach your colleagues there to train?

A. I never trained there. They would hold competitions at least one every year, sometimes two, and that would be when I would be at the training centre. Other than that, I just trained at home or prior to a major competition, maybe have a training camp in Lac St. Denis or in Winnipeg for a week or two. But I never moved to the training centre.

THE COMMISSIONER: Was Mr. Kulesza your coach?

THE WITNESS: Actually, I was coached by my father and my uncle. He was the national team coach and he would send programs, training programs. But he ---

THE COMMISSIONER: You didn't spend much time with him, I gather.

THE WITNESS: Not really, no. Other than at a major competition.

MR. PROUX:

Q. Now, did you remain in the national

team as a carded athlete from 1981 to -- until 1988?

A. Actually, after I -- 1981 through to about March of '87, at which point I graduated school and there wasn't much of a career in in lifting weights so I
5 decided to retired and I joined the work force and so I kind of put weightlifting behind.

I worked down here in Toronto for a while and when I accepted a job back in Sudbury, I moved back home and decided to pick up the sport again which would
10 have been in the late fall of '87.

Q. So you went back to the weightlifting sport?

A. Yes.

Q. And did you decide to train and to
15 qualify for the Seoul Olympics?

A. Actually, when I first decided to come back I was just training for my health, as somebody would go to a health club every second day or so. That's
basically what I was doing. And as a month or so past, I
20 realized that I really wasn't as far behind as I thought.

There was also, at this time, a lot of random testing going on and I realized that the level of Canadian weightlifters wasn't as high as it had been in the previous years, so my chance of making the Olympic
25 team were as good as anyone else's.

Q. Why do you make an equation between the random testing and the fact that the level was not as high as before? I'm missing that?

5 A. Okay. The performances seemed to improve each year by the -- let's say, the national squad or the national team. When I retired in March of '87, I said, you know, enough is enough. I'm tired of the whole sport and moved on and then when I saw the results of the Pan American Games in August of '87, they seemed to
10 have -- they seemed to have declined somewhat.

Q. But ---

A. There was a lot of speculation that it was due to a lot of random testing and when I saw the results at the Pan American Games I said, I can make the
15 Olympic team.

Q. Mr. Roy, to be more clear, are you saying that you notice with your experience that because of the random testing, the athletes could not use drugs and therefore their performance decreased, is that clear?
20 Is this what you mean?

A. Well, I don't know if the athletes were using ---

THE COMMISSIONER: We know now that they were, Mr. Roy, you know that.

25 THE WITNESS: Okay. Well, if that's ---

THE COMMISSIONER: Everyone has testified that the whole group were on steroids.

THE WITNESS: But, I'm also not just looking at the Canadian athletes. It seemed, at the Pan American Games, the results of everyone was down at least a little bit.

THE COMMISSIONER: But, you're out to make the Canadian team?

THE WITNESS: Sure.

THE COMMISSIONER: You thought their results were not improving as dramatically as they were earlier than that?

THE WITNESS: Exactly.

THE COMMISSIONER: You attribute that to random testing, that they couldn't take the drugs and you had a better chance of competing, is that what you're saying?

THE WITNESS: Plus a lot of individuals had been suspended at this time. There were a few individuals that had retired. So, there was sort of a big change in the national team and the new group that was moving in didn't seem to be at the level that the others were at. And even though I had considered myself old and retired, I still figured I could come back.

THE COMMISSIONER: How old were you then?

THE WITNESS: Twenty-five.

MR. PROUX:

Q. Mr. Roy, at this time, before you came
5 back in 19 -- in the fall of 1987, you were aware that
your -- the other weightlifters, the Canadian
weightlifters, that most of them were using drugs, were
using anabolic steroids?

A. Well, we had already had, I don't know,
10 maybe ten or twelve positive tests over the previous five
years, so it wasn't a surprise to anyone.

Q. You, yourself, in the previous years,
before your first retirement or your retirement in '87,
had you used drugs?

A. By drugs, you mean anabolic steroids?

Q. Yes.

A. I experimented with them, sure.

Q. When did you start using them?

A. I believe it would have been the fall
20 of '83.

Q. After the Pan Am Games?

A. Yes.

Q. Did you participate -- did you compete
in the Pan Am Games in '83?

A. Yes.

Q. Had you used drugs before the Pan Am Games?

A. Actually, three weeks prior to the Pan American Games, I competed at the World Juniors and was tested there and then as well as Caracus.

Q. No, but my question was, had you used them?

A. No.

Q. So, you started to use it after the and Pan Am Games?

A. To stay started, I like to think of it as I'm involved in a sport where it's a very common topic and I was exposed to it like anyone else; the conversations, the speculation on what they do, the benefits, the side effects and I wanted to know for myself. So I tried them.

THE COMMISSIONER: Where did you get your drugs, initially? Where did you get them?

THE WITNESS: Just from a gym.

THE COMMISSIONER: Up in Sudbury?

THE WITNESS: Yes.

THE COMMISSIONER: Was it Dianabol?

THE WITNESS: Yes.

MR. PROUX:

Q. Now, since you had special people around you, your father, your uncle, did you talk to them about that?

5 A. I discussed it quite a bit. More, I would say, with my uncle. He was the head coach of the Pan American Games team in Caracas and he's probably the strongest opponent of drug use and that's why I would talk to him because he would be very objective and give me the pros and the cons and he basically got out of the sport in 10 1983 after Caracas because the weightlifters that he was coaching, strictly in Ottawa, got caught.

Q. Were you ---

15 A. Well -- no, nobody had gotten caught but he had sort of presented to them an ultimatum. I'll coach you if you give me your word that you're not going to use anything.

THE COMMISSIONER: But, you didn't listen to your uncle, you went ahead anyway?

THE WITNESS: Yes.

20 MR. PROUX:

Q. Now, when you started -- the first time you used -- you ingested these drugs, did you take any advice from someone as to the right dosage, the right 25 quantity?

A. To say somebody gave me a bottle of pills and said take this and this and this, no, nobody ever did that. What I did is on my own -- well, I mean, I talked to a lot of people. I listened to a lot of people.

5 THE COMMISSIONER: Did you try Winstrol, too?

THE WITNESS: No, I didn't.

MR. PROUX:

10 Q. Only Dianabol?

A. Well, basically -- Sudbury is not like Toronto. There is -- you can't get anything you want.

Q. Or Montreal?

A. Or Montreal, sure.

15 Q. Sorry. So you started in 1983, in the fall of '83?

A. Mm-hmm.

Q. And you used these drugs, you ingested these drugs for how long?

20 A. Just for a couple of weeks. I believe three weeks.

Q. And in 1984, did you take them?

25 A. Well, '84 is when they started to -- following Caracus, up until the end of '83, there wasn't any testing in Canada. So, coming into 1984, that's when

they started testing quite a bit and I -- I mean, the effects I felt weren't enough to say I need these pills so I ---

5 THE COMMISSIONER: Are you saying you only took drugs in '83.

THE WITNESS: No. No, but at time, coming into '84 leading up to the '84 Olympics, we were tested in May, prior to departure and prior to the departure for L.A. and in L.A.

10 THE COMMISSIONER: So, then you stopped taking them just before the testing is that what you mean?

15 THE WITNESS: Actually, no. I -- like I said, I refer to it as experimentation. I never -- I never knew whether it was six months, three months, two weeks.

20 I mean, you hear a lot of people say a lot of different things and I was in no position, because of where I was and I didn't have anybody working with me who could tell me it clears your system in so many days. So I took them at a time when there was no competition, when I wasn't going to be tested.

MR. PROUX:

Q. But you would take them in training?

25 A. In training? I did, yes.

Q. Training program?

A. Mm-hmm.

Q. So, did you take any in 1984?

A. No.

5 Q. In 1985?

A. 1985, yes.

Q. What for? For which purpose? Just for
experiencing it again?

10 A. Experimentation, sure. To give you a
reason, I don't -- I never sat down at the time and
planned something out.

THE COMMISSIONER: Well, you knew that in
weightlifting, we have evidence now, that it was well
known that weightlifters were taking anabolic steroids.

15 THE WITNESS: Very well known, yes.

THE COMMISSIONER: Pardon?

THE WITNESS: Very well known.

THE COMMISSIONER: And you were competing
with them.

20 THE WITNESS: Mm-hmm.

THE COMMISSIONER: And it only follows that
you were doing it to help you compete with the others who
you thought were taking them?

THE WITNESS: To a point, sure.

25 THE COMMISSIONER: All right.

MR. PROUX:

Q. In 1986, did you?

A. 1986, following the Commonwealth Games,
prior to retiring, I tried them again. See, I never
5 noticed any marked improvement or drastic improvement.

Q. Why would you use them?

THE COMMISSIONER: We heard from all the
other weightlifters that they were almost like miracles,
they told us in Montreal. That they did notice an
10 immediate increase in their ability to carry out their
discipline.

THE WITNESS: That's possible. I don't know
what their dosage -- what they were taking. I don't know
how long they were taking it. I was just doing my own
15 thing.

THE COMMISSIONER: When you travel with
them, you weren't aware that they were on drugs?

THE WITNESS: We discussed them quite a bit.

THE COMMISSIONER: All right, go ahead.

THE WITNESS: But weightlifting was never --
20 and this is something that I'd like to stress -- it was
never my priority in life ---

THE COMMISSIONER: I understand.

THE WITNESS: ---to be a world champion
25 weightlifter. Sure, my goal was I would like to win an

Olympic medal. But, there were other things like school, eventually like work.

THE COMMISSIONER: Were you working at that time, too, when you became ---

5 THE WITNESS: No, I started working in 1987 following retiring.

MR. PROUX:

10 Q. Because in '84, '85, '86 up to your retirement, you were a carded athlete?

A. Yes.

Q. You were studying, you were at university and they were paying your tuition and you received a monthly allowance?

15 A. Mm'hmm.

Q. Right?

A. Correct.

Q. And you participate -- you did participate to different competitions?

20 A. Mm-hmm.

THE COMMISSIONER: All right.

MR. PROUX:

25 Q. Now, you retired in March 1987, I think?

A. Right.

Q. You came back in the fall of '87?

A. Mm-hmm.

Q. And eventually, in 1988, did you
5 participate to any competitions before qualifying for the
Seoul Olympics?

A. I participated in four competitions
between December of '87 and leaving for Seoul. And each
one there was testing at.

10 THE COMMISSIONER: Where were those? All in
Canada or right here in Toronto?

THE WITNESS: Yes.

THE COMMISSIONER: They were all in Canada?

THE WITNESS: Mm-hmm.

15 THE COMMISSIONER: You never went to
Czechslovakia for the training camp?

THE WITNESS: No. I was working and I
couldn't -- I was saving my holidays basically for the
Olympics. I had so many weeks. So, I couldn't afford to
20 go to Czechslovakia for four weeks or whatever they were
going to go.

MR. PROULX:

Q. Now, we know that the Canadian Weightlifters Federation had introduced the 649 system to test the weightlifters. Were you ever tested on this program?

A. No, I never was.

Q. Never?

A. No.

Q. Now, you just answered to the Commissioner that you didn't go to Czechoslovakia in July 1988 to the training camp?

A. I didn't.

THE COMMISSIONER: You did not go?

MR. PROULX:

Q. You did not go?

A. That's right.

Q. And you are aware that your colleagues came back from Czechoslovakia and were asked to be tested in Montreal at the end of August?

A. Correct.

Q. Now, you were in Sudbury at the time, and were you informed that you had to undergo the testing procedure?

A. Yes. Originally I had received a

letter saying I would be tested with the group when they returned from Czechoslovakia.

Q. You received a letter from the federation?

5 A. From the federation saying either the 24th or the 25th, I don't recall. And then following that they changed it to the 27th prior to everyone going to Vancouver.

10 Q. So, the others we know, as we know, were tested in Montreal on August 27th?

A. Right.

Q. You were not tested on August 27th in Sudbury?

15 A. No, I was supposed to go to Montreal and be tested.

Q. Is there a reason why you didn't go to Montreal?

20 A. Yes. The reason -- the reason was I wasn't going to go to Vancouver at the same time they were. So, the decision was made why fly to Montreal, be tested, and fly back to Sudbury, we will just have someone in Sudbury take a sample from you.

25 THE COMMISSIONER: How much advanced notice were you given about the testing? You got a letter when, do you recall?

THE WITNESS: To be honest I don't know, but it's generally assumed because it's been like this for two, two-and-a-half years that we are tested prior to departure for any international competitions.

5 THE COMMISSIONER: You got a letter saying they wanted you to come to Montreal for testing would that be a week in advance or two weeks?

THE WITNESS: I don't recall.

10 MR. PROULX:

Q. So, whom did you make the arrangements with to save you the obligation to go to Montreal and to Vancouver eventually, I mean, with the others?

15 A. I know I spoke a few times with Andre Kulesza about work and the commitments I had. I also spoke with I believe Claude Ranger at the Weightlifting Federation explaining to him, look, this is the situation with work, and I just can't take off two months from work.

20 Q. All right. So, they allowed you to stay in Sudbury, and they -- contrary to the others who gave their sample in Montreal on August 27th, you did not, you remained in Sudbury. And as a matter of fact, you gave it a week later?

A. Right.

25 Q. On September the 2nd?

A. Yes. It was originally I believe supposed to be done Monday or Tuesday whenever they could send the bottles up, but the individual who was going to take the sample was away at the beginning of the week.
5 So, we had arranged for the Friday.

MR. PROULX: At this time point, Mr. Commissioner, I would like to produce a document which is entitled Doping Control Form which attests of the date. And also attached to this document are the two
10 certificates of analysis of sample A and B.

THE COMMISSIONER: Thank you. May I have one, Mr. Proulx, please.

MR. PROULX: Sorry.

THE COMMISSIONER: What exhibit number?

15 THE REGISTRAR: 208, Commissioner.

THE COMMISSIONER: 208. Just give me a moment, Mr. Proulx.

--- EXHIBIT NO. 208: Doping Control Form and two
20 certificates of analysis.

THE COMMISSIONER: Who was Neil McKenzie?
Is that the name of the person?

THE WITNESS: That was the individual that
25 took the sample.

THE COMMISSIONER: All right.

MR. PROULX: Excuse me, Mr. Roy.

THE COMMISSIONER: This is September the
8th?

5 MR. PROULX: No, September the 2nd.

THE COMMISSIONER: September 2nd.

MR. PROULX: Yes. The first document, Mr.
Commissioner, shows up at the top of the page on the
right-hand side.

10 THE COMMISSIONER: Yes.

MR. PROULX: September 2nd.

THE COMMISSIONER: Yes.

MR. PROULX:

15 Q. So, you declared yourself satisfied
with the manner in which the sample-taking procedure was
carried out at the time?

A. Yes.

Q. You signed?

20 A. Uh-huh.

Q. You gave the sample to, on September
the 2nd in Sudbury, and these people Murphy and McKenzie
were the officials who proceeded --

25 THE COMMISSIONER: Well, the samples were
received by the lab on September the 8th.

MR. PROULX: Yes, indeed.

THE COMMISSIONER: This is only really A
sample, then wouldn't it?

THE WITNESS: Both samples.

5

MR. PROULX: Both samples, Mr.

Commissioner, are sent to the lab. As you will see, both
documents show that the two samples were received on
September the 8th.

THE COMMISSIONER: I see 4830- and 4830-B.

10

MR. PROULX: All right.

THE COMMISSIONER: Thank you. All right.

MR. PROULX:

Q. Now, before we go to that, Mr.

15

Commissioner, on September the 2nd, you were in Sudbury,
you gave the sample, and then you didn't hear anything
about the result. You went to Vancouver, which was when?

A. It would have been the 4th, on the
Sunday.

20

Q. On the Sunday. You met the other
weightlifters in Vancouver on September the 4th?

A. Right.

Q. You met Andre Kulesza and the team. At
that time, on September the 4th, you were aware that other
samples were requested from four weightlifters?

25

A. Correct.

Q. Demers, Gill, Bolduc, and Greavette?

A. Yes.

5 Q. But on September the 4th, on that Sunday, nobody knew yet of the positive results?

A. No. They had given the sample the previous day on the 3rd.

Q. Fine. Now, when did you leave Vancouver?

10 A. We left on the Tuesday the 6th.

Q. You left the 6th to go to Seoul?

A. Correct.

Q. All right. Now, what happened in Seoul as far as you are concerned?

15 A. Well, first of all, the morning of the 6th is when we got the phone call from the Weightlifting Federation that three of the four tests had come back positive.

20 THE COMMISSIONER: That was the other three?

THE WITNESS: That was the other three.

THE COMMISSIONER: All right.

25 THE WITNESS: And we had basically been told, well, that was it, let the team go. And it wasn't until the following Sunday the 11th that I was told that

my test was positive.

MR. PROULX:

Q. Which was September the 11th?

5 A. The 11th.

Q. So, what was your reaction then?

A. For what? I was basically very surprised.

10 Q. When you were told that your sample was positive, what was your reaction?

A. I was pretty mad.

Q. What did you say? Who informed you of this?

15 A. This would have been the Yvon Chouinard, the manager of the team, president of the Weightlifting Federation.

Q. So, what did you say to Yvon Chouinard at the time?

20 A. The first thing I said to him was "positive for what?" And he said they didn't know. And he checked into it. And a couple of hours later he said you are going home because it was for an anabolic steroid. And I was pretty upset because -- I mean here you are already in Seoul and it's been, whatever, 10 days since I
25 had given the sample and the result just comes back now.

Q. But were you upset for other reasons?

A. Well, because I didn't -- I didn't take anything. And at first they couldn't give me an answer to what it was, which is very similar to an incident in 1985 when they said you have a positive test result, but they couldn't know for what.

THE COMMISSIONER: But you had been on anabolic steroids for some years, so you must not have been surprised --

THE WITNESS: No, I -- well, to say for some years, it was a few weeks each year.

THE COMMISSIONER: From '83 to '88, off and on?

THE WITNESS: Well, off an on a couple of weeks, not continuous for five years.

THE COMMISSIONER: Well --

THE WITNESS: And since I had come back in the fall of '87, I hadn't taken anything.

MR. PROULX:

Q. You hadn't taken any drugs in 1988?

A. No, not at all.

Q. In any of the -- before any of the four competitions in 1988, you had not taken any drugs?

A. No.

THE COMMISSIONER: Well, in training at all, so you weren't using them at all to get ready for the Olympics?

5 THE WITNESS: No. I had been tested four times previous in that year, whether that means anything or not --

THE COMMISSIONER: Well, no, but everybody else had been tested, too. They had all been tested, all cleared up until this example now.

10

MR. PROULX:

Q. Did you tell Yvon Chouinard at the time in Seoul that you didn't take any drugs?

A. Yes.

15

Q. So, what happened to you?

A. They --

THE COMMISSIONER: He got sent home.

THE WITNESS: I was sent home.

20

MR. PROULX:

Q. And then what did you do about sample B? As you know, under the standard operating procedures, you have some rights as to the sample B?

A. The rights I had to sample B, they
25 allow me to go and watch the sample being open. They

don't allow me to attack or to --

THE COMMISSIONER: Did you go and see sample B being opened?

5 THE WITNESS: When I first got home and from the time I was notified, I said I don't want that sample to be tested in that particular lab. I had had some problems before. The Weightlifting Federation had had problems before. And I said in order for it to be fair, it should be tested somewhere else.

10 And so as soon as I arrived home from Seoul, I phoned the Federation and said there is got to be -- just asked them not to test the B sample, I would prefer it to be tested somewhere else.

15 THE COMMISSIONER: All right. What happened then?

THE WITNESS: Then I ran around for three or four days phoning different people, Marilyn Booth, different people at the Federation, contacted a lawyer.

20 THE COMMISSIONER: This was Quebec, this is one of the approved IOC labs in Montreal, is that right, in Quebec.

THE WITNESS: Yes.

THE COMMISSIONER: All right.

25

MR. PROULX:

Q. So, why did you not feel comfortable with the prospective that this same lab would proceed to the second analysis?

5 A. Well, actually, for a lot of reasons I didn't feel comfortable with that lab.

In 1985, I go back to that, we had a competition which I was the one that requested dope testing for, and four weeks later they phoned me up and
10 say that the result --

THE COMMISSIONER: I think, Mr. Proulx, this is only sample A, I think. Sample A is has two pieces of -- were you present --

MR. PROULX: Mr. Commissioner, I am sorry,
15 if you look --

THE COMMISSIONER: Excuse me, were you present when sample B was retested?

THE WITNESS: Well, that we are getting to. I didn't bother going after -- after they said they were
20 going to test it in the lab.

MR. PROULX: Excuse me, Mr. Roy. Mr. Commissioner, the third page which you have in front of you, shows 4830-B.

THE COMMISSIONER: September 22nd, I see.

25 MR. PROULX: If you look -- that's right,

September 22.

THE COMMISSIONER: Thank you, I see it now.
That's the B sample. Thank you.

MR. PROULX: That's right.

THE COMMISSIONER: It was tested --

MR. PROULX:

Q. So, we are now between September, you
are back in Canada, we are before September 22nd. And you
then start questioning --

A. Well, as soon as --

Q. -- the opportunity in anticipation --
the opportunity of having the same lab doing the analysis
of the sample B. So, what you said that you talked, you
communicated with people. And then what did you do
exactly?

A. Well, that's -- that's when I got a
hold of a lawyer and said -- because they said, no, you
have to have it tested here. And I wanted -- we tried
very hard to get an injunction.

THE COMMISSIONER: Well, the IOC has only
some certain labs throughout the world that are --

THE WITNESS: Well, there is one in Calgary,
or Los Angeles, or Indianapolis, and I offered to pay for
whatever they wanted to do.

THE COMMISSIONER: I see. You didn't want it tested in Dr. Dugal's lab?

THE WITNESS: No. I have never met the man, but --

5 THE COMMISSIONER: You just didn't want it done there?

THE WITNESS: That's all.

THE COMMISSIONER: And they said it had to be done there?

10 THE WITNESS: They wouldn't allow me anything. They wouldn't allow me a portion of the sample to be tested somewhere else. They wouldn't allow me --

THE COMMISSIONER: You were invited to be present when they do the testing procedure --

15 THE WITNESS: I am not a technician, I don't know what goes on in a lab. I can see the bottle --

THE COMMISSIONER: You didn't do that anyway. Then what happened? You took legal advice?

20 THE WITNESS: Prior to the B sample being tested, I had contacted a lawyer.

THE COMMISSIONER: All right.

MR. PROULX:

Q. You took an injunction?

25 A. Yes.

Q. You lost the injunction?

A. Yes.

Q. And eventually you had the representative and a doctor present at the opening of the sample B in Montreal at the laboratory?

A. Correct.

Q. All right. And eventually you were told, as this certificate shows, that the sample B was positive?

A. Uh-huh, but I don't see how it could have been different after everything that had happened. I mean I was fighting them hard to get it tested somewhere else. I had already been sent home from Seoul. As a matter of fact, even before I was on the plane --

THE COMMISSIONER: That doesn't mean they wouldn't do what they believed to be an honest job?

THE WITNESS: But even though I was already home and even before I was on the plane in Seoul, it was all over all the papers and the television that another weightlifter has been sent home. Somebody writes an article --

THE COMMISSIONER: Before the sample B was --

THE WITNESS: Before the sample B. I was finished before sample B.

THE COMMISSIONER: That shouldn't be done, because there have been cases when sample B does not confirm sample A tests, or they accept an explanation for it --

5 THE WITNESS: Even before sample B they were telling me that the lab is more than 100 percent accurate, and there was no way it could be different.

THE COMMISSIONER: Because you questioned the first testing so that's why they have two samples --

10 THE WITNESS: Uh-huh.

THE COMMISSIONER: -- to test to make certain the second one is accurate. And also at that stage to prepare your explanation as to what went on. You know that. All right. Go ahead.

15

MR. PROULX:

Q. Mr. Roy, before September 22nd, when the analysis of the sample B was made, in your queries, in your contestation, I would say, of the procedure, you said you did communicate with Marilyn Booth?

20

A. Right

25

A. Right.

Q. Who is an officer of the SMCC?

A. Yes.

5 Q. Did you tell Marilyn Booth at the time something like, you should test Ben Johnson instead of me?

A. Well, I didn't say instead of me. I mean, I assume all along that I'm going to be tested. I expected to be tested.

10 Q. No, but did you tell her anything regarding Ben Johnson?

A. We had discussed this, and my memory isn't 100 percent, but sure, I think I mentioned something.

15 Q. So why did you tell her that at the time?

A. Well, I mean, it's obvious it has been said now that he takes or has taken --

Q. No, but Mr. Johnson at the time had not even run at the time.

20 A. M'hmm.

Q. Right?

A. Right.

25 Q. Nothing had happened regarding Ben Johnson so I'm asking you why on September the 12, the 13, you told Marilyn Booth, why don't you go and test Ben

Johnson?

A. Because he was an athlete that I figured would never get caught because of his position in the world. There was a lot of money invested in Ben Johnson and why don't the Soviet weightlifters ever get caught? I mean, I just assumed the same thing. I have never been world champion. At that level, it's a different thing. There is different rules up there.

Q. You must have changed your mind later on as to the fate in the system.

A. Well, he was not tested at Montreal, he was tested in Seoul. I mean, the lab itself is fine. It's one of the best in the world, I understand that, but there has just been a lot of incidents over the years with regards to weightlifting and the lab that I just didn't like.

And I don't see why it's so unfair that if I say I didn't test this stuff, test it somewhere else, that they can't do that. I mean, I had already had a run-in, like I keep saying, back in 1985 where they told me you have a problem with your test. It's not positive or negative. Well, if it's not positive or negative, that's it.

THE COMMISSIONER: No, because the urine can be diluted and not be sufficient to get it --

THE WITNESS: No, it was fine, it was fine.
There was no problem with that.

THE COMMISSIONER: All right.

5 MR. PROULX:

Q. Once you were tested positive after the
sample B was analyzed, I understand you retained counsel,
as you said, and I would like to produce now as an
exhibit, Mr. Commissioner, a letter dated September 29
10 sent by his lawyer, his present lawyer David Wiseman, to
the SMCC which speaks for itself.

THE COMMISSIONER: Thank you.

THE REGISTRAR: That will be 209.

15 ---EXHIBIT NO. 209: Letter dated September 29, 1988,
from David Wiseman to the SMCC.

MR. PROULX:

Q. You were eventually advised by the
20 Canadian Weightlifting Federation of a suspension for a
period of two years?

A. Right.

Q. Starting as of September 22nd, 1988?

A. Right.

25 THE COMMISSIONER: I'm sorry, was this an

appeal? Mr. Wiseman, this is your letter, is it?

MR. WISEMAN: Yes, it's a notice of protest pursuant to the manual.

5 THE COMMISSIONER: Pursuant to the manual, and that gives you a chance to arbitrate? Is that what it is?

MR. WISEMAN: If the notice of protest isn't allowed, as it wasn't, then we proceed to an arbitration and that's what we've done.

10 THE COMMISSIONER: And that arbitration is still pending?

MR. WISEMAN: Yes, sir.

15 THE COMMISSIONER: All right, thank you. Go ahead, Mr. Proulx. So the arbitration is still pending, is it?

MR. WISEMAN: Yes, it is. We are just about to have it heard hopefully.

THE COMMISSIONER: Thank you.

20 MR. PROULX:

25 Q. Now, Mr. Roy, the arbitration being still pending, you remember that in the month of February when we were in Montreal for the hearings pertaining to the weightlifting, that your lawyer had required us not to call you at the time?

THE COMMISSIONER: Requested?

MR. PROULX:

Q. I'm sorry, requested us not to call you
5 at the time?

A. Right.

Q. And after the -- I mean, once the
hearings were over in Montreal, do you remember having
been interviewed by Mr. Buffery from the Toronto Sun?

10 A. Yes.

Q. I would like to produce as an exhibit,
Mr. Commissioner, a copy of an article published in the
Sunday Sun on February the 12th, 1989.

THE REGISTRAR: That would be 210, Mr.
15 Commissioner.

THE COMMISSIONER: Well, does the article
go in it? The article doesn't go in yet unless you ask
the witness whether he said it.

MR. PROULX: Yes, but as a matter of fact,
20 I interviewed a witness before and --

THE COMMISSIONER: Well, the whole article
doesn't go in. The only thing that goes in is the part
which is relevant to the inquiry.

25 MR. PROULX:

Q. Yes. Now, in this article which you have read before coming today, in the fourth paragraph and the fifth paragraph, you're saying -- you're quoted, I'm sorry, as saying, "I swear track and field will not be as honest as weightlifting, said Roy."

THE COMMISSIONER: Well, I thought the earlier part, you said that your fellow weightlifters are going to look stupid for telling the truth. Did you say that?

MR. PROULX: Yes, it's the next paragraph, Mr. Commissioner.

THE COMMISSIONER: The first paragraph.

MR. PROULX: No, but the first is not the quote.

"Track and field is as bad if not worse than weightlifting. Weightlifters just use steroids, but what is Dubin going to do if someone isn't telling the truth? He isn't going to charge them, he isn't going to punish them. I think a lot of weightlifters are going to look stupid for telling the truth," end of quote.

Q. Is it a fact, Mr. Roy, that you said to Mr. Buffery that you thought that a lot of weightlifters were going to look stupid for telling the truth?

A. I think a lot of this article was misunderstood or --

THE COMMISSIONER: They are in quotation marks. Did you say it?

5 THE WITNESS: No, the --

THE COMMISSIONER: Not the whole article. I'm talking about what is attributed to you in quotation marks.

10 THE WITNESS: Not exactly like that. I phrased it more like a question. Like, what can --

THE COMMISSIONER: Well, did you say they are going to look stupid for telling the truth?

THE WITNESS: First of all, I'm sorry for the article. I should have kept my mouth shut, but --

15 THE COMMISSIONER: Well, it's a terrible thing to say. You're telling the weightlifters not to tell the truth.

20 THE WITNESS: No, this was after they had already testified because I was of the opinion that the track and field athletes weren't going to tell the truth and that weightlifting, as it happened in Caracas, were going to be the scapegoats again for the drug use, and I was wrong and I should have never said it.

25 MR. PROULX:

Q. And you were wrong also in your prophecy?

A. Yes.

Q. Because the track and field people told
5 more truth than you expected.

A. I thank them for that.

Q. But you said, in fact, that you didn't like the fact or you felt bad for the weightlifters in Montreal who were telling the truth; isn't that a fact?

10 A. I felt bad because a lot of them didn't have any counsel. They didn't know what the inquiry was about. At the time I didn't understand what the inquiry was about, and I mean, I didn't understand --

15 THE COMMISSIONER: Well, several had counsel, but you're criticizing them for telling the truth. Counsel is here to advise you. Counsel here doesn't assist you in not telling the truth.

THE WITNESS: No, but they didn't understand a lot of what was happening.

20 MR. PROULX:

Q. How do you know that, sir?

A. Well, maybe they did. I can't speak for them. In my opinion, this -- I was afraid that
25 weightlifting was going to get run out again as it has in

years past. I'm not telling them not to tell the truth.
I'm glad they did.

Q. Did you say at the time that track and
field was as bad if not worse than weightlifting?

5 A. Yes.

Q. How did you know that?

A. I just -- I mean through conversation,
through rumours. I mean, how obvious or how long have the
rumours been going around? Not just about the Mazda club
10 or the Canadian track athletes, but a lot of athletes, the
East Germans, the Russians.

Q. Now, a bit further down in the article,
the last third paragraph, it says,

"Roy of Sudbury believes all of the testimony
15 heard at the Dubin Inquiry by the
weightlifters was basically true, the tales
of Czechoslovakian drug camps, urine
transplants and drug smuggling."

Had you heard of that before, drug
20 smuggling?

A. Well, no, they said it so it's got to
be the truth. Why would they make it up. That's why --

Q. No, but my question is the following.
Have you heard before of urine transplants, of
25 transplants, drug smuggling, the Czechoslovakian drug

camps?

A. The Czechoslovakian thing I didn't know until they talked about it at the inquiry, but I mean, there were a few Soviet weightlifters who were caught coming into Pearson International a few years back with steroids and --

Q. Have you heard of urine transplants before?

A. Yes.

Q. And when?

A. To be exact, I don't know, but I've heard it before.

Q. Now, when you did use yourself some of these drugs and mainly Dianabol, did you not notice any significant changes in your training program as far as endurance?

A. Not really. I never -- I mean, I hear the common benefits of gaining weight, of getting stronger, of recuperating, but I mean, I pushed myself hard all the time so I really didn't notice any different.

Q. Did it help at any point as far as the pain was concerned?

A. That's the only thing that I really noticed what you could -- either your threshold for pain was higher or it had some therapeutic benefit that

decreased pain.

THE COMMISSIONER: You recover quicker so you can train more energetically because that's what most people are saying?

5 THE WITNESS: That I don't know because I felt --

THE COMMISSIONER: When you work out today --

10 THE WITNESS: I felt tired all the time. I mean, I was training twice and three times a day and every workout you feel tired until you get going. The only difference was it may not take 15 or 20 minutes to get moving.

THE COMMISSIONER: Again?

15 THE WITNESS: Yes, because you're not as sore and to me it didn't seem it took you as long to --

THE COMMISSIONER: I understand. Mr. Proulx?

MR. PROULX: These are all my questions.

20 THE COMMISSIONER: Mr. Wiseman, any questions?

MR. WISEMAN: No, thank you.

THE COMMISSIONER: Any questions, Mr. Morrow?

25 MR. MORROW: Thank you, my Lord.

THE COMMISSIONER: Just as a matter of interest, is this a three-man board, Mr. Wiseman? A three-man board of arbitration? Is that how it's done?

5 MR. WISEMAN: No, we have selected together an arbitrator, Professor Dalel.

THE COMMISSIONER: They both agree on the arbitrator, and I see the attack is mostly procedural on the process used of the testing so we don't want to go into that. Go ahead, Mr. Morrow.

10 MR. MORROW: I'm sorry, what was your direction there?

THE COMMISSIONER: I don't want to sort of retry the arbitration on the procedures that were done.

15 MR. MORROW: No, that's fine. I won't then, my Lord.

THE COMMISSIONER: Somebody else can do that. Go ahead, Mr. Morrow.

---EXAMINATION BY MR. MORROW:

20 Q. Thank you, my Lord. My name is Bob Morrow, Mr. Roy. I represent the Sports Medicine Council of Canada.

I take it from your evidence that you were using steroids in 1985?

25 A. M'hmm.

Q. And what steroids were you on exactly?

A. Dianabol.

Q. Did you use any other steroids besides those?

5 A. No.

Q. And you say it was an experimental basis?

A. Yes.

10 Q. And can you give me more precision on how long did the experiment last in 1985?

A. In 1985, it was -- any time I took them it was always late in the year. Let's say November, December. There was always a major competition either July, August, September area, and it would be following that sometimes when there was nothing for a while, and like I said, I've never competed on them and I used them just out of curiosity more than anything else.

15 Q. Well, it was more than a passing curiosity, I take it, that effectively from 1983 on on a regular enough basis you were using the steroids, were you not? Isn't that your evidence?

20 A. Well, not -- what do you prefer to as regular enough? Like, once a year for a couple of weeks is regular?

25 Q. Are you leaving us with the impression

that it was just a casual use?

A. Basically that's it.

Q. Casual only in the sense that you didn't use it during competition, you used it out-of-competition; is that right?

A. Maybe once a year. That would be it.

Q. Now you say you had a run-in with the lab in 1985. What was the problem with the lab in 1985?

A. I don't know. I was sort of kept on the outside, and a lot of what went on was between the Canadian Weight Federation and the Sports Med Council saying that I had an inconclusive result which was not positive or not negative, and they either wanted approval or permission to test the B sample of, in my opinion, a negative result, or to come back and get an additional sample.

Now this is what I was told. I was never phoned up and said, can we come and test you again. I was told that the Weightlifting Federation said no, you have got your guidelines and your policies. You asked for 100 mls of urine and we supplied it for you.

Q. Well, You weren't positive only because the results were inconclusive. Was that the essence of it?

A. Well, inconclusive to me means

negative. There was no --

Q. You pass the test if you're not positive; is that right?

A. Right.

5 Q. And you weren't positive in 1985 and the lab was seeking what further substantiation of it?

A. I don't know what they were looking for. I don't know. I was never --

10 Q. I take it that if they had received further substantiation, it would have documented that you were using steroids; is that right?

A. Well, as far as I was told, they did test the B sample.

Q. Yes.

15 A. Which to me is a breach of their guidelines. If they did test the B sample, why wasn't I allowed to be there?

20 Q. You didn't answer my question. If the test had been run through conclusively, it would have documented that you were on steroids because you were.

A. Why do you say that?

Q. Well, were you using Dianabol in 1985 or not?

25 A. This is March of '85 that we are talking about. The Olympics were '84. I hadn't trained

or taken off about six months. I didn't start back until November-December. This was just a competition in Sudbury, the provincial championships in March.

Q. All right.

5 A. I don't see how you can assume that it would have been positive. I would have given them another sample if they would have come back. It was the federation that sort of said no, you can't go back.

10 Q. So the run-in you had didn't involve you per se, it involved the Weightlifting Federation?

15 A. Well, it involved my test and I was phoned up by the federation saying this is the problem with your test and we're not -- you know, we're going to block them or whatever. I don't know. They have got their procedures and guidelines. They have to follow them.

20 Q. And again in 1988, you had a run-in with the lab once more, and I take it this is effectively consistent with what, your thesis that the weightlifters were having problems with the labs, that the labs --

A. Over the years they had had quite a few -- or they have had a number of either inconclusive or problematic tests.

25 THE COMMISSIONER: Well the difficulty I'm having, Mr. Roy, is you're explaining about the lab but on

the evidence now we know that they were taking steroids all through this period, three years, so I don't understand what your problem was. It wasn't as if the lab was detecting drugs which --

5 THE WITNESS: No, I'm not just talking about --

THE COMMISSIONER: -- weren't being used, detecting the drugs. We know, in fact, that the evidence confirms the fact they were using the drugs. It's not quite clear. Are you suggesting that the lab here was discovering drugs from people who weren't talking drugs?

10

THE WITNESS: Not as far as I know.

THE COMMISSIONER: All right. It was the procedure you didn't like or you wanted to have your own lab look at it?

15

THE WITNESS: Not my own lab, I said any lab that they --

THE COMMISSIONER: Not your lab, a lab approved of by yourself.

20 THE WITNESS: The only thing I was always told was, oh, don't worry about it, you can argue the issues and the integrity of the sample following the confirmation of the B sample, and I said I don't want to do that. I didn't take stanozolol and I wanted to prove it with the B sample.

25

You see, now there is no B sample so I can't prove that I never took it except by my word and nobody believes that because every athlete that comes up says no, I didn't take steroids but I'm telling you yes, I took
5 steroids. I took them in '83 or '84 or whatever and I took Dianabol.

THE COMMISSIONER: Some athletes have said I took steroids but not that particular one.

10 THE WITNESS: I didn't take any steroid following 1987, --

THE COMMISSIONER: I understand. No, I hear what you're saying.

15 THE WITNESS: -- and they didn't allow the opportunity -- I put it in their court. I said, here, send the sample where you want. I'll pay. You take the sample. I don't want to handle it. I would just feel more comfortable if they would test it somewhere else, even if they had supplied me with the results of the first samples so somebody could take a look at them and they
20 said no.

MR. MORROW:

25 Q. But you realize, don't you, Mr. Roy, that there are only 18 labs that are certified in the world?

A. Well, Calgary's not that far or L.A. I had offered them wherever they wanted to pick.

Q. You're not aware that Calgary has been decertified? It no longer has certification?

5 THE COMMISSIONER: At that time they did though, Mr. Morrow.

MR. MORROW: That's true, my Lord.

THE WITNESS: This is last September.

MR. MORROW: Let me put it to you this way.

10 THE COMMISSIONER: I thought you wanted a lab that was not an IOC lab?

THE WITNESS: No, they had given me a list. Marilyn Booth, as a matter of fact, supplied me with a list.

15 THE COMMISSIONER: Who is Marilyn Booth, by the way?

THE WITNESS: She works at the Sports Med Council. Her exact title, I'm not sure.

MR. MORROW:

20 Q. The reason, and hear my question out, the reason of course there are only 18 certified labs in the world is because of the level of sophistication that is required for these tests. Do you agree with that?

A. Yes.

25 Q. The comprehensive care that's taken and

the degree of exhaustive review; is that right?

A. That's right.

Q. And of course that all benefits the athlete, does it not?

5 A. Yes.

Q. That, in other words, ensures that the tests are fair and accurate and comprehensive; is that right?

10 A. That's why there shouldn't have been a problem if it was tested in L.A. or Calgary. It's at least an equal two. If they have a criteria for the lab and this is an IOC-approved lab, for example Los Angeles, then there shouldn't be a problem for testing the B sample there.

15 Q. But you have an entirely - and I don't want to take up the Commission's time with the ins and outs adhered to what my Lord said about the details of this - but there is a whole separate appeal procedure under the manual, is there not, and you have rights under
20 that, do you not?

A. But you can't argue the medical findings. Once the B sample is gone, what do I have? What do I have? I can argue that the sample wasn't sealed properly but it was. It was sealed properly, it was fine.

25 Q. You appreciate, of course, that the

division of A sample and B sample again is for your benefit?

A. Right.

5 Q. That's for the athlete's benefit to ensure that once the A is tested, that the B is retained and tested further to ensure the accuracy of the A sample, right? That's to your benefit?

A. Yes.

Q. You appreciate that?

10 A. Yes.

Q. And you have no complaint with that either?

A. No.

15 Q. That's fine. I take it your only complaint is that there aren't enough certified labs in the world?

A. No, that's not my complaint.

Q. Your complaint is that you weren't able to take your B sample to Calgary or to Indianapolis?

20 A. No, I didn't want to take it. They could have sent it, they could have kept it away from me totally. I didn't even -- I really didn't care where they sent it as long as it wasn't tested in Montreal.

I mean, I had never met Dr. Dugal or Dr.
25 Masse. I have nothing personal against them, I just --

Q. Aren't they the guys that are ganging up on the weightlifters, among others?

A. If they are the ones from the correspondence that the weightlifting has been going through, then they are.

Q. But, you wanted it out of Dugal's land because you thought he had a bias against weightlifters, isn't that about it?

A. Possibly, sure.

Q. Sure. It goes farther than that. Your evidence today is there are two rules, basically; one for weightlifters and one for everybody else?

A. No, not necessarily.

Q. Isn't that what you told us?

A. I think anybody whose A sample is tested positive should have the second sample tested somewhere else. I mean, if I'm in this courtroom and he convicts me and I appeal it, he shouldn't be the judge that's going to hear the case again.

THE COMMISSIONER: You're right.

THE WITNESS: Correct? And that's what they do at this lab.

THE COMMISSIONER: It's not the same, though. It's not sure if the analogy is right.

THE WITNESS: But, basically, that's what

they do. This lab says you have a positive result but we'll check it again, we'll do it again.

THE COMMISSIONER: They're not convicting, they're doing a scientific study as to what the specimen
5 discloses. But, anyway, I understand your -- you're saying that once an A sample is proved positive, then somebody else should do the B sample.

THE WITNESS: Just supposing -- supposing

10 MR. MORROW: Could you answer what his lordship asked?

THE COMMISSIONER: Every A sample that is tested in lab A, B sample should be tested by another lab?

THE WITNESS: Or have a C sample and do B
15 and C -- B at the same lab ---

THE COMMISSIONER: The first thing is to have the B done at some place else.

THE WITNESS: Sure.

THE COMMISSIONER: I understand what you're
20 saying.

MR. MC ROW:

Q. And you know that there is a separate team that tests the B sample? You know that, that's in
25 the manual?

A. Sure.

Q. So, there is a whole independent process utilized for the B sample. Just the very thing you're asking for is in the manual. You appreciate that?

5 A. Not the very thing I'm asking for.

Q. No. You want the B sample tested elsewhere than at ---

A. And I'm not saying just for myself.

Q. ---the institute in Montreal?

10 A. Right.

Q. Right? Well, you are saying it for yourself but we haven't heard it from anybody else, to my knowledge.

A. Okay.

15 Q. All right. I asked you, you know, the suggestion being that there are two rules; one for weightlifters and one for everyone else. Isn't that the thrust of what you're saying, that there is money invested in Ben Johnson and others and so they get different rules applied to them?

20 A. Didn't he wanted his B sample tested in Montreal? Wasn't that asked when he was in Seoul?

Q. Well, is it the thrust of your evidence then, Mr. Roy, that basically money is devoted to track and field and to higher profile sports and they get

25

different rules applied to them? Is that what you're saying?

A. Not necessarily, no.

MR. MORROW: No? Fine, sir, thank you very much.

THE COMMISSIONER: Any other questions? Are you still competing, Mr. Roy, training?

THE WITNESS: Yes.

THE COMMISSIONER: You're under suspension, are you, still?

THE WITNESS: But I'm allowed to compete in Ontario. I will be competing next week.

THE COMMISSIONER: All right.

THE WITNESS: I'll continue to compete. I do the sport for fun.

THE COMMISSIONER: I understand that. But, are still under suspension?

THE WITNESS: Yes.

THE COMMISSIONER: That means you're not getting funded anymore?

THE WITNESS: No.

THE COMMISSIONER: But you're still allowed to compete in....

THE WITNESS: In the provincial level.

THE COMMISSIONER: In the provincial

competitions?

THE WITNESS: Right.

THE COMMISSIONER: Are you working as well
in Sudbury, still? Do you live in Sudbury?

5 THE WITNESS: Yes.

THE COMMISSIONER: What do you do in Sudbury
now?

THE WITNESS: I work for a pharmaceutical
company.

10 THE COMMISSIONER: What type of work are you
doing?

THE WITNESS: I'm a medical rep. I deal
with respiratory products and call on doctors.

THE COMMISSIONER: For a manufacturer.

15 THE WITNESS: Yes.

THE COMMISSIONER: You act for the
manufacturer, though? All right. Any re-examination,
Mr. Proulx?

MR. PROUX: No thank you.

20 THE COMMISSIONER: All right. Thank you
very much, Mr. Roy.

THE WITNESS: Thank you.

THE COMMISSIONER: All right. We are going
to have a change of cast, so we'll adjourn for a few
25 moments.

---Short recess

---Upon resuming

THE COMMISSIONER: Ms. Chown?

MS. CHOWN: Yes, Mr. Commissioner, we're
5 pleased to have Ann Peel as our next witness. She is
present and ready to be sworn.

THE COMMISSIONER: Thank you.

ANN ALLISON PEEL: Sworn

10 THE COMMISSIONER: Ms. Chown?

MS. CHOWN: Thank you, Mr. Commissioner.

MS. CHOWN:

15 Q. Miss Peel, I understand that you were
born in Ottawa on February 27th, 1961?

A. Yes.

Q. And unlike many of our other witnesses,
you did not go and have your public school years in the
20 Ottawa area. In fact, you attended public school in
Madrid, Prague and Moscow as a result, I understand, of
your father being part of the foreign service?

A. Yes.

Q. You did come down to earth, returning
25 to attend high school in Ottawa at Colonel By High School?

A. Yes.

Q. You obtained your Grade 13 from there
in 1979?

A. Yes.

5 Q. Following that, you came down to the
University of Toronto and obtained an Honors B.A. from
that school in 1983?

A. Mm-hmm.

10 Q. Can you tell us what your field of
study was there and what your degree is in?

A. In political science and economics.

Q. You took a year off after graduating
from the University of Toronto and in that year, I
believe, did some research for one of the law professors?

15 A. For Michael Jabilko.

THE COMMISSIONER: Would you bring your mike
a little closer? Thank you. Okay?

MS. CHOWN:

20 Q. Perhaps, as a result of that, you made
a decision that you, yourself, would pursue a career in
law and you entered University of Toronto Law School in
1984?

A. Yes.

25 Q. Obtained your law degree from there in

1987?

A. Mm-hmm.

Q. You were called to the Bar of Ontario
in 1989 and have recently started your practice as a
5 corporate solicitor with the law firm of Goodman and
Goodman?

A. Yes.

Q. However, to most of the public you are
well known as an athlete and, in particular, as a race
10 walker. Before we get to the beginnings of your career as
a race walker, I understand that you started out as a 400
metre runner?

A. Yes.

Q. In fact, in your latter years of high
15 school that was the event that you pursued?

A. Yes.

Q. At that point, you were a member in
high school of the East Ottawa Track and Field Club?

A. East Ottawa Lions Track and Field Club.

Q. Can you tell us how it came about that
20 you left 400 metre running and went into the sport of race
walking?

A. I was imitating race walkers at a track
meet, finding them very funny, like everybody else does
25 and ----

THE COMMISSIONER: I'm sorry, I can't hear you? Would you speak up?

THE WITNESS: I was imitating race walkers at a track meet and my -- the head coach of the track club at the time felt that I was ---

THE COMMISSIONER: You were a good imitator?

THE WITNESS: ---more proficient than the people I was imitating and entered me at the next track meet that we had -- local track meet, in the race walk, and I don't remember that I did very well but I -- I really enjoy it and started race walking as well as running the 400. It was kind of my hobby and relaxation.

MS. CHOWN:

Q. What year was that, that you began first to do race walking?

A. I think it was in '79, '79 or '80.

Q. So then, for a short period of time thereafter, you were involved in both the 400 metre and race walking?

A. Yes.

Q. And since ---

THE COMMISSIONER: We see a lot of imitators these days doing race walking. It has become very popular.

THE WITNESS: They're everywhere.

MS. CHOWN:

5 Q. And since what date have you been doing
solely race walking?

A. Since, I think, about '83. I'm not
really sure when I quit the running completely but I think
it's probably '83.

10 Q. And as far as your club affiliation, I
understand that you continued to be a member of the East
Ottawa Lions Track and Field Club up until 1988 and, since
that time, you've been a member of the Top Form Track and
Field Club?

A. Yes, in 1989 I joined Top Form.

15 Q. Since you are the first race walker
we've had the benefit of hearing about and ---

THE COMMISSIONER: You said Top Form that
you're talking about now.

THE WITNESS: Yes.

20 THE COMMISSIONER: That's the one we heard
Mr. Dolegiewicz is in?

THE WITNESS: Yes.

THE COMMISSIONER: And Sue Heather.

25 THE WITNESS: Yes. Sue Heather is the
administrator and Bishop is a member of the club.

MS. CHOWN:

Q. And as we heard from Mr. Dolegiewicz yesterday, at least one of the keystones of that club is that all the athletes involved in it are clean athletes, free from drugs and take a role in education about drugs in sport?

A. Yes. We have to participate in the RCMP Drug Awareness Program and we go to schools and talk about not using drugs.

Q. Coming back to race walking, if we could, could you give us the benefit of a thumbnail sketch of where this, as to the outsider it appears, where this strange sport came from?

A. Actually, it's got a very colourful history. It started in the 17th Century as a sport called pedestrianism, where the ---

THE COMMISSIONER: Pedestrianism?

THE WITNESS: Pedestrianism. The athlete was akin to today's race horse, would -- the races ranged from one day to seven days and the goal was to go as far as you could in that time period and they walked in indoor arenas, almost like hockey rinks, but they were actually gambling halls and it was a big gambling sport. It was a -- there was a lot of corruption associated with it.

THE COMMISSIONER: What country was this?

THE WITNESS: This was in Britain and then it moved to the United States in the early 18th Century and those were the two big sports. And they competed for belts. The one was the Sir John Ashly belt, much like, I
5 guess, boxers compete for belts these days.

THE COMMISSIONER: Right.

MS. CHOWN:

Q. And have women been involved in the
10 sport of race walking from its early stages?

A. They weren't when it was pedestrianism. I've lost track of the sport between when it switched from pedestrianism and sort of was just a colourful sport to when it became a modern sport, the transition in the early
15 1900's. But women have certainly been involved in the sport since the early 1900's and late 1800's.

Q. I understand that race walking for men has been an Olympic event for some time?

A. Since 1908.

Q. And is it an Olympic event for women?
20

A. It will be for 1992. That will be our first time in the Olympic Games. Actually, as aside, the last Olympic gold medal we won was in track and field was the men's 10 K race walk in 1948.

THE COMMISSIONER: I'm sorry, you dropped
25

your voice. The last?

THE WITNESS: The last Olympic gold medal that Canadian Track and Field won was the men's race walk in 1948.

5 THE COMMISSIONER: In '48?

THE WITNESS: Yes.

THE COMMISSIONER: That was men's?

THE WITNESS: That was the men's; George Golding.

10 THE COMMISSIONER: For women, it will be ---

THE WITNESS: 1992 will be the first time.

THE COMMISSIONER: It's been unofficial before that now. Has it been unofficial?

15 WITNESS: No, it has not. It didn't have to go through the demonstration sport route.

THE COMMISSIONER: I see. So, the next Olympics will be, 1992, it will be an official sport for Canada.

THE WITNESS: Yes.

20

MS. CHOWN:

Q. I understand Miss Peel that you played some role in trying to persuade the International Olympic Organization to include women's race walking as an official Olympic event?

25

A. Yes. I discovered in 1983 when I, like everybody else, wanted to go for the Los Angeles Olympics, and I had just finished fifth at the World Championships, that there wasn't any Olympic race walk for women and, of course, I was really disappointed and started --

THE COMMISSIONER: It was part of the World Championship?

THE WITNESS: It had its' own world championship, yes. It wasn't yet part of the world Track and Field Championship that, for the first time, was in 1987. We didn't participate in 1983 in Helsinki. So I decided to try and find out what I could do about it and started organizing an international lobbying movement.

MS. CHOWN:

Q. That was successful, as you've indicated, because it will be part of the 1992 Games in Barcelona?

A. Yes.

Q. Just following up on one of the Commissioner's comments, can you very briefly describe for us what the structure of competitive meets are in race walking?

A. It's part of track and field, as far as the major games go, and as part of the world track

championships. It also has its own separate circuit where we have regional race walking cups which are team events. The Americas Cup is what we participate in, as well as a World Cup which is also a team event which occurs every two years.

THE COMMISSIONER: I don't like to admit this but I'm not completely knowledgeable about the various -- are there distances as there are in track and field?

THE WITNESS: The women walk 10 K and the men walk 20 K and 50 K.

THE COMMISSIONER: The women walk ten kilometres?

THE WITNESS: Yes. There's only the one distance.

THE COMMISSIONER: Just the one distance?

THE WITNESS: Yes. We also walk other distances but that's the international distance. So, we really participate largely in Europe on a circuit of competitions, separate from the track and field competitions.

MS. CHOWN:

Q. And I understand, as well, that the scoring, if I can put it that way or the rules of race

walking are, of course, individual to the sport, time is important and really it's to finish, but what other rules are there that might result in a person's disqualification, if broken?

5 A. It's the fastest person across the finish line. It's the first person across the finish line, as in every other sport.

 But, we have to work within two rules. One being that one foot has to be on the ground at all times
10 which really means that before I take the back foot off the ground, the front heel has to touch the ground.

 And the second rule is ---

 THE COMMISSIONER: One foot has to be on the ground?

15 THE WITNESS: At all times.

 THE COMMISSIONER: At all times.

 MS. CHOWN:

 Q. Does that produce the rolling gate?

20 A. Yes, that produces the rolling gate. And our supporting leg has to be straight which is what forces the hip out.

 Q. Are there in fact observers or judges stationed along the race walk route to observe the walkers
25 that they meet these two rules at all times?

A. Yes, there are.

Q. I believe you told me that you have three faults in those areas and that can result in a disqualification?

5 A. In an international competition, you can get an endless number of what we call warnings from the judges, that you might be -- you might be breaking the rules.

10 THE COMMISSIONER: That's to prevent you from running, I guess?

THE WITNESS: Yes, that's idea. And you have -- then each can give you a disqualification as well. And if you get three disqualifications from three different judges representing different nationalities --
15 in other words, it can't be two Italians and a French. It's got to be an Italian, French and Britain, or something like that. Then you take -- you're removed from the course or you have to leave.

20 MS. CHOWN:

Q. I'd like to turn if I could now, Miss Peel, to some highlights of your own competitive career as race walker and you're still an active competitor today.

25 But I understand, looking at the printout that we have here from the Athlete Information Bureau,

that in 1980, the first of competition they have recorded for you, you placed first in the five kilometre walk in the National Outdoor Championships.

That year, as well, saw you with the first place finish both in the Ontario Championships and the Pan American Junior Championships?

A. Mm-hmm.

Q. And the distances for the Ontario was 5,000 metres and the Pan Americans was 3,000.

1981, was also a strong year for you, competing in the National Indoor and National Outdoor Championships placing first in both events.

You also took part in the World Cup that year placing 8th in the five kilometre walk?

A. Yes.

Q. 1982, you participated in a large number of meets both in Canada and in Europe and, focusing on a few, you were first in the National Outdoor Championships, fifth in the World Championships in the five kilometre walk and first in the National Championships in the ten kilometre?

A. Yes.

Q. 1983, again participating in the National Outdoor Championships and retaining a first place there, you also that year participated in the World Cup

and placed 10th in the ten kilometre?

A. Yes.

Q. 1984, you maintained your first place
in the National Indoor Championships at the 3,000
5 kilometre and, as well, first place in the Outdoor
Championships in the 5,000 metre race?

A. Yes.

Q. 1985, again touching on a few of the
highlights, at the World Indoor Games you placed third in
10 the 3,000 metres and fourth at the World University Games?

A. Yes.

Q. That was in the 5,000 metre walk.
1986, you participated in the National Outdoor
Championships, again first place.

15 You were also -- went to the Goodwill Games
placing 13th in the ten kilometre walk.

Came back to Canada for the National Outdoor
Championships placing first in the ten kilometres and --
are those all correct for that year?

20 A. Mm-hmm, yes.

Q. 1987, you participated in the World
Indoor Championships placing third in the 3,000 metres and
you were first at the Harry Jerome classic in the 1,500
metres?

25 A. Mm-hmm.

Q. As well, in 1987, you participated in the Pan American Games placing second in the ten kilometres and moving then into 1988, you participated at a series of indoor meets, returned to the Harry Jerome, also participated in the National Outdoor Championships again placing first that year?

A. Yes.

Q. And, of course, although that was the Olympic year, since your event was not an Olympic event, although I understand you were present in Seoul, you were of course not competing?

A. I was not in Seoul.

Q. You were not in Seoul?

A. No.

Q. In 1989, you've continued to compete participating in January, in Hamilton, Ottawa and Sherbrooke and obtaining first place in each of those meets in the particular distances you ran?

A. Yes.

Q. February, you were at the National Indoor Championships placing third in the three kilometre walk. In March, at the World Indoor Championships, placing 7th in the 3,000 metres?

A. Mm-hmm.

Q. And in April, you attended the World

Cup trials placing first in the ten kilometres?

A. Yes.

Q. You also advised me you went on in May
to compete in the world championships and had rather a
5 disappointing result and, as you've recently advised me,
you've had some surgery and you felt that perhaps your
performance at that time was indicative of the fact that
you were about to have surgery?

A. I didn't know at the time I was about
10 to have surgery but I had compartment syndrome, an injury
in the shins.

Q. And, overall, I note that you are the
Canadian record holder for the 3,000 metres and you
obtained that on June 19, 1983 for the five kilometre
15 walk, obtaining that record July 17, 1987 and for the ten
kilometre walk, that result also obtained in July of 1986.

THE COMMISSIONER: What is the record time?

THE WITNESS: '87 -- September of '87 but
it's immaterial.

20 MS. CHOWN: All right.

THE COMMISSIONER: What is the record time
for ten?

THE WITNESS: For 10 K, 45.06 which I did in
Rome in '87 at the World Track Championships.

25

MS. CHOWN:

Q. And once you completely recover from the surgery for the compartment syndrome that you've recently undergone, I understand it's your plan to
5 continue competing in 1989 but you are actively looking forward to competing in 1990 at the Commonwealth Games and in 1992 in the Olympics?

A. Yes. It will be our first time in both those competitions.

10 Q. And, of course, you would continue to compete in the specific circuit devoted to World Championships in race walking?

A. Yes.

15 Q. Miss Peel, I'd like, if I could now, to turn your attention to the question of performance enhancing drugs and banned practices, particularly, to your knowledge of them as they may effect your sport of race walking.

20 Dealing, first of all, with performance enhancing drugs and anabolic steroids, to your knowledge, or any information you have, are these a factor in the sport of race walking?

A. No, to my knowledge, they're not.

25 Q. Do you have any opinion or understanding as to why that is the situation?

A. I would understand that the reason is that -- just get too much bulk with these, particularly anabolic steroids. A race walker wants to be lean and light, more like a distance runner, where I understand steroid use is not prevelant either.

THE COMMISSIONER: Would you speak in the microphone?

THE WITNESS: Sorry. The steroids -- all the steroids do is allow you, I understand, is to recover more quickly and with more weight training and the more training that would allow to you do as a distance athlete, I gather, you would just get too big and too bulky and that's just not what you would want your body to be.

MS. CHOWN:

Q. You're saying a race walker strives to be lean and light?

A. Lean and light and as strong as you can be within -- and still be lean and light. I think the steroids, you would just gain too much weight, too much bulk.

Q. Turning then to banned practices and, in particular, blood doping, what is your understanding as to whether that particular banned practice plays any role in your sport?

A. There are a lot of rumors about blood doping in race walking, particularly in Europe. I don't know if people do practice blood doping because, of course, there is no way to test for blood doping or at least there isn't a test as yet that's been developed that's reliable enough to be used, although I understand some tests are in the process of being developed.

Q. How would blood doping, to your understanding, be of assistance to a race walker?

A. Blood doping mimics altitude training. If you go up to altitude for four to six weeks, the hemoglobin content of your blood, the red blood cells are enriched and therefore you increase our oxygen carrying capacity which, in an endurance event, is key to being successful.

Obviously, if you can avoid getting tired until much later on, you'll do better. Blood doping, they remove -- they remove the athlete's blood, store it. The reduced volume of blood then attempts to make up for the loss of volume and more red blood cells are produced naturally by the body and the oxygen carrying capacity of the body is maintained.

Then, apparently, within a few days before competition, the blood is injected back into the athlete's body. So, of course, you've got greater blood volume and

greater oxygen carrying capacity. And, really what it does, I gather, is mimic altitude training without actually having to go up to a camp in Bolivia or Mexico City or somewhere at altitude.

5 Q. Just staying with altitude training for a moment, you indicated to me that several teams from other countries, in fact, incorporate altitude training as part of the training regime for their race walkers. Can you tell us about that?

10 A. Most distance athletes, I gather it's the same as running as well, will go to altitude at certain periods of their training of the training year. It's probably most useful a few months before you're going to be competing and they'll go to altitude for four to
15 six -- to six weeks to train and get that kind of benefit.

It's very common with the Europeans. They'll go to the Pyrenees to train. The Swiss have a training camp in in the mountains, as well. There are
20 several of them.

Q. Does the US team, as well, train at altitude?

A. Not the race walkers but I gather that the distance runners do. In Colorado Springs their
25 training centre -- their Olympic training centre is at

altitude.

Q. With respect to blood doping, I understand that in March of -- sorry, in 1986 you happened to have a conversation with another athlete and coach that
5 dealt with the topic of blood doping. Do you recall the conversation I'm referring you to?

A. Yes. I was staying at a coach's home in Milan while -- because we were competing in Milan, and he and his athlete began to talk to me about fixing the
10 blood at the lab in Milan.

Q. Let me just take you back there. Was this an Italian coach?

A. It was an Italian coach, not a national team coach but a coach of the national team athlete and
15 the athlete who was with us was on the national team.

And, they started talking to me about how good I was and they had been impressed with the training session that I had done that day where I had killed the guy and just been able to outperform him. They were quite
20 impressed with what I could do and they said, really, I could probably be the best in the world.

And they started talking about fixing the blood. They never said to me, you should try it, or anything like that. They just started talking about ---

Q. So, let me stop you there. The phrase
25

that was used to you was fixing the blood?

A. Yes, yes. And I didn't probe very much because my policy with all of the rumours that go around is to try to ignore them because I don't want to get
5 involved in any banned practices. I don't really even want to hear about them. So I didn't probe.

But from what I understand and from later conversations with other people who had also talked to these two, that what they were talking about was blood
10 doping and, apparently, there is a lab in Milan where this can be done.

Although, of course, this is all hearsay and opinion so -- I've never seen the lab.

Q. You referred to your own reaction to rumours about practices such as this in your sport. Could
15 you elaborate on that for us? What role do you -- what reaction do you have to such rumors?

A. I try, as I said, to -- as an athlete, to ignore -- to ignore the rumors, to downplay them as
20 much as I can. I've become concerned lately that a lot of athletes will use the fact that other people may be taking steroids or other banned substances or engaging in banned practices as a crutch for their failure to be the best in the world themselves, to tend to look at everybody head of
25 them and say they're all on something. And I haven't

wanted that to happen to me. So I've purposely remained very naive in this area.

Q. As a result of the conversations that you've had with race walkers in -- from other countries and various competitions, have you been able to form any opinion as to whether a practice such as blood doping is relatively widespread within race walking?

A. I don't think it's very widespread. Watching the participants from certain countries, you have your suspicion that a couple of teams must -- are probably doing -- I can't say must because I don't know -- are probably doing something.

What you notice is that it takes you ten years to get to a certain level and the really superior athlete can maybe get there in six or seven years.

And then there are athletes who come in the scene and within a year or two are setting world records. And it's suggest something there doesn't quite work.

I know the work that I go through. I know I train very, very hard and talented in the area and it just doesn't go together when people can just surpass you so quickly and surpass everybody else in the world who's been doing it so long, as well. So, that's the basis of suspicion but that's not an awful lot to go on.

Q. Is it your view that you can compete

successfully and compete on an international level in your own sport without the aid of banned practices such as blood doping?

5 A. I think so. When I started in the sport I was in the top ten in the world and as the sport has become larger and more sophisticated, many, many more countries are participating now at a much higher level, I've managed, other than this year with the injury, to maintain a top ten ranking. I think I can continue to do
10 so. I certainly hope that I can. I'll continue to try, anyway.

Q. You are currently a carded athlete?

A. Yes.

Q. What is your card?

15 A. Right now my card is a C card. As a non-Olympic event that was the highest level of carding that we could ---

THE COMMISSIONER: I'm sorry, I can't hear you?

20 THE WITNESS: As a non-Olympic event, a C card was the highest level of carding I could achieve.

THE COMMISSIONER: A non-Olympic event, the C is the maximum?

25 THE WITNESS: Yes. Now that we're an Olympic event for the 1989, '90 carding year, we'll be

treated like other events.

THE COMMISSIONER: I see. So up to now, you could be the best in the world but you could only be a C card.

5 THE WITNESS: That's one of the problem with the carding system.

THE COMMISSIONER: For non-Olympic events?

THE WITNESS: Yes.

THE COMMISSIONER: I see.

10 THE WITNESS: I had to be ranked in the top six in the world to have a C card and because I was consistently seventh or eighth, I was -- I just maintained my C card status.

15 MS. CHOWN:

Q. In fact, you told me you've been in the top eight in the world since 1981?

A. Yes.

20 THE COMMISSIONER: I'm sorry, I lost you. You said you had to be top six to get what?

THE WITNESS: They were nice to me ---

THE COMMISSIONER: Pardon?

THE WITNESS: You had to be top six to be a C card but I kept coming 7th or 8th and....

25 THE COMMISSIONER: I see.

THE WITNESS: Because I'm not particularly quiet athlete, I was left with my C card status.

MS. CHOWN:

5

Q. You're saying because your sport was a non-Olympic sport there were, in effect, different rules set up for the carding levels?

A. Yes. That's one of the problems with the system.

10

THE COMMISSIONER: But, if it's an Olympic sport now, you'll be eligible for a B or A card, is that what you're saying?

A. Yes, yes.

15

MS. CHOWN:

Q. For the next carding year?

A. For the next carding year which starts in September of '89.

THE COMMISSIONER: All right.

20

MS. CHOWN:

Q. Now, as well as participating and continuing to participate as an active athlete, Miss Peel, I understand that you have, as well, become involved in your own national sport body, the Canadian Track and Field

25

Association, and up until June of 1989 -- I'm sorry -- from 1979 up until June of 1979 you were a delegate at large to the CTFA?

5 A. I was a director at large of the CTFA, yes.

 Q. And, during that period you were, as well, a member of the Athletes' Council?

 A. Yes.

10 Q. Very briefly, if you can, tell us what your duties were as a director and member of the Athletes' Council?

 A. I had been a member of the Athletes' Council since it started in '83, representing the race walk, and our duties were rather unclear, although they're becoming clear as the council gains maturity.

15 We were meant to act mainly as a liaison between the -- between the athletes and the Canadian Track and Field Association working through the Athletes Services Manager who was Glen Bogue, in '83 when I started, and then became Steve Findlay who, at present, the Athletes Services manager.

20 We have Athletes' Council meetings where the issues that are pertinent to the athletes come up. We talk about them and we try to give the Athletes Services manager an idea of where the athletes stand on the issues.

25

As a director at large, I was one of the policy makers of the CTFA at the board meetings.

Q. And during your tenure in the position of the director, did you participate in the discussions about random testing and the introduction of that program?

A. Yes. I was elected to the Board in June of '87. I missed the first meeting because I didn't know I was elected. I had to leave and found out, once I got home, that I had missed the meeting.

In August of '87, was the first meeting that I attended and we were discussing, at that time, the implementation or the possible implementation of a random out of competition drug testing program.

Q. Perhaps, if you can clarify for us, what views the Athletes' Council was expressing during that period on that issue?

A. The Athletes' Council had a range of views. It wasn't so simple as being against out-of-competition -- random out-of-competition testing.

Athletes were very concerned with the process under which the random testing takes place.

A. Athletes are concerned for instance, as Mr. Roy expressed this morning, that the A and B tests are tested at the same lab. There is an appearance of bias even though science is supposed to be objective, somebody
5 has to read the results.

The athletes are concerned that once an A test is declared positive, the news is immediately released to the world and that's it, your career is ruined.

10 You have very little opportunity to be explain yourself or to defend yourself. You simply don't have an opportunity for hearing.

And so the athletes were concerned about the inequities within the testing process itself. And want
15 some of those cleared up and made more equitable before a really large random testing program was in place.

They were also concerned that too much emphasis was putting on -- being putting on policing athletes, on catching dirty athletes, rather than starting
20 at what we felt was the beginning, which was prevent -- helping athletes so that they were alternatives to taking steroids: education programs, better training programs, more coaches, more -- it comes down usually to more money being put into the sport, more support for athletes. That
25 combined, of course, with the carding system which is

based on your performance as compared to in many events
what are completely dirty athletes. For instance, in the
sprints and the throws, those athletes' representatives
were very concerned that the list was really composed of
5 dirty athletes. And they had to rank in the top eight in
the world to get an A card. And that was virtually
impossible if they stayed clean.

So, they felt they were getting a double
message from Sport Canada: we will support you if you are
10 one of the best eight in the world and they were finding
they could not be one of the best in the world and stay
clean.

So, we advocated as athletes a carding
system based on the clean list, performances taken only
15 from competitions where random testing had taken place, as
one approach. That combined with just a general education
process and a more sophisticated approach to coaching and
training.

So, the athletes were really quite
20 thoughtful about the implementation of a random
out-of-competition testing. Everybody wants a clean
sporting world and it was just a matter of what's the best
way to get there.

MS. CHOWN:

Q. And the points that you raise relate to procedure and administration. Were the athletes of the view that if a program for out-of-competition no-notice or short-notice testing could be developed that that was going to go some distance to cleaning up the sport?

A. Yes, I think everybody felt that and does feel that random out-of-competition testing is really the way to go on an international level.

Q. Well, I want to ask you about that as well, Ms. Peel, whether you have turned your mind to the question of random testing on an international level, and, if so, what features you would see such a program having?

A. As I have thought of it and, of course, I haven't thought of it in a vacuum, I am mixing everybody's -- there is a general consensus on this is to have an independent third party conduct testing, not an IOC board or Commission, Medical Commission, not an IAAF Commission, but a completely independent doping Commission.

I am not sure who would set it up or where its members would come from which could conduct random out-of-competition testing internationally on very short notice.

The analogy that is often brought up is a

SWAT team, but I think and the athletes feel it is very important that that be a third party so that you don't have situations now where you have the Athletes' Federation policing the athlete, which puts the -- which
5 puts the Federation and the athlete in a difficult position. And you don't have sort of the IOC running a program, the IAAF running a program, Sport Canada running a program. So that once an athlete tests positive, they have got one penalty coming one group, another penalty
10 coming from another group, another penalty coming from another group, three different potential areas of appeal; although, of course, the appeal doesn't really mean much when you are not given sort of a printout of the results. And to streamline and coordinate the testing process in
15 some ways.

So, really so the athlete knows where they are heading. Give the athlete a chance to have a hearing if they are tested positive, but also have a really strong international testing force.

20 THE COMMISSIONER: What were your last words, strong?

THE WITNESS: A strong international testing force just as an international SWAT team.

MS. CHOWN:

Q. I want to come back to the point you touched on earlier which was education and you mentioned that the athletes thought that that was an area that focus should be placed on. Was any more specific thought given by the athletes as to what such a program would entail?

A. Mostly it was felt that elite athletes could go to schools and gyms and sport -- talk to teams, young teams, young kids, and teach them about training, teach them about the dangers --

THE COMMISSIONER: That's what your Top Form sort of --

THE WITNESS: That's what Top Form does right now, but I think you need a much larger group than just the members of Top Form. There are only -- I think there are only 15 people in the club. We are not really enough. But have a national group. There is, for instance, I belong to a speakers bureau that's part of the Ontario Best Ever program. It's Female Athletes Motivating Excellence, FAME it's called.

We just go to the schools and we are women who have participated in sport and we are attempting to motivate young girls not to just quit at the age of 16 when they temporarily become more interested in boys instead of sport.

And the same idea would be, we would go into the schools and say you don't need to use steroids, it is not worth it. The side effects are et cetera, et cetera, et cetera. Educate the kids about the choices that they are making. Have them realize that there is a choice as well as in some sports, I understand, the athletes don't even realize there is a choice.

MS. CHOWN: Thank you, Ms. Peel, those are the questions I have for you.

THE COMMISSIONER: Any questions. Mr. Bourque?

--- EXAMINATION BY MR. BOURQUE:

Q. Ms. Peel, my name is Roger Bourque. I represent the Canadian Track and Field Association. You were speaking just now to concerns of the Athletes' Council over the past years respecting the out-of-competition testing policy and procedure of the CTFA.

May I ask you was the CTFA board of directors generally receptive to the concerns of the Athletes' Council?

A. I think so. There was certainly never at the board level -- people at the board level were always very concerned about the international context,

about being fair to the athletes at the same time as taking -- taking the problem seriously and dealing with it seriously. It was always a very thoughtful process.

Q. And was the approach taken by the CTFA board in the development of its out-of-competition testing procedure one of consultation with the athletes?

A. Yes.

Q. Now, we have heard evidence from one of the persons whose name you have mentioned in your evidence, a Mr. Glen Bogue, to the effect that the former president of the CTFA, Wilf Wedman, was not accountable or responsible to the CTFA board subject only to the Board's right to dismiss him. I believe I have stated that fairly. Was that true?

A. No, not -- not certainly to my experience at board meetings.

Wilf came to the board meetings and actually he was the staff person who was accountable for everything that the staff was doing. He was accountable to the board, and he was the one we asked questions about to and we didn't -- when we wanted clarification on certain issues or certain policies or programs that were being put before the board for discussion and approval, Wilf always had to report to the board.

Q. Now, during your term as director of

the Canadian Track and Field Association, which I understand was from June 1987 through June 1989, how many board meetings did you attend?

5 A. We had four a year. We also had two or three conference calls, which substituted for getting altogether in one place and having a meeting. So, I guess 10, 11, 12 somewhere in there.

Q. Who chaired those meetings?

A. Jean-Guy Ouellette.

10 Q. And as the chair of the CTFA board meeting, did Mr. Ouellette control the order in which items on the board's agenda were called?

A. He controlled the agenda, yes.

15 Q. I take it that would also include control over the amount of time that was spent on various items that appeared on board's agenda from time to time?

A. Yes, he certainly would tell us to move on, which he did every so often.

20 Q. Did the CTFA out-of-competition testing program and procedure appear as an agenda item at CTFA board meetings frequently while you were on the board?

25 A. Yes. And it's been -- actually it's been an agenda item at every board meeting that I have attended and most of the conference calls as well. It's consumed a great deal of the Board's time.

Q. Did you ever observe Mr. Ouellette to control the agenda in such a way as to postpone discussion or resolution of the out-of-competition testing item at any time?

5 A. No. Actually the majority of the Board's time at most meetings was taken up with discussions of -- before the random testing program was approved how we would do it. And afterwards we have consistently asked for reports on actually how the system
10 is working. And, now the board members have always been given as much time as they wanted to discuss that issue.

Q. Just to sum up then in your two years as director on the CTFA board, have you observed Mr. Ouellette to do anything at any time to postpone
15 implementation of the CTFA out-of-competition testing program?

A. No.

Q. Now, more specifically, we have heard from Mr. Charlie Francis that Mr. Ouellette told Mr.
20 Francis in 1988 that he, Mr. Ouellette, was going to try and delay implementation of the CTFA out-of-competition testing program until after the Seoul games.

Now, in this connection can you tell us when did the CTFA board of directors approve its
25 out-of-competition testing program?

A. In December of '87.

Q. When did the CTFA send its out-of-competition testing program on to Sports Canada for its approval?

5 A. I believe it was immediately in January of '88.

Q. When did the CTFA board intend its out-of-competition testing program to be implemented initially?

10 A. In April of 1988. I as an athlete as well received notice from the CTFA in early 1988 that I would be subject to a random dope testing program as of April 1988.

THE COMMISSIONER: It never was
15 implemented, though?

THE WITNESS: It wasn't implemented, but the athletes -- the board didn't anticipate the delays with the -- whatever happened between CTFA, SMCC, and Sports Canada that delayed the implementation, but it was
20 intended by the Board that the program would begin in April of 1988 with the first selection of athletes for testing. And therefore, in fairness to the athletes, they were put on notice that this was what was happening.

25

MR. BOURQUE:

Q. And can you conceive of anyway now in which the CTFA Chairman of the Board could have hindered or delayed implementation of the CTFA out-of-competition testing program once it came back from Sport Canada with Sport Canada approval?

A. No, because at that point it was completely out of the hands of the board, in fact. It was a program that the board had approved to be implemented and programs are implemented by CTFA staff.

Q. Now, additionally, we have heard from Mr. Francis that Mr. Ouellette told Mr. Francis again in 1988 that he, Mr. Ouellette, was going to get himself on some committee under the out-of-competition testing program and use knowledge acquired in that position to warn Mr. Francis or his athletes of their selection for testing.

In the first place, can you tell us if you know under the CTFA out-of-competition testing program is there a committee for selection of athletes for testing?

A. No. The athletes were selected, until very recently when Casey Wade moved to the SMCC, were selected by Casey Wade and Marilyn Booth out of the SMCC with chips, I gather, the system was that chips were pulled out of a drawer and athletes were selected that

way. It was just those two people.

Q. And just to clarify, Mr. Wade was in 1988 an employee of the CTFA?

A. Yes.

5 Q. And Ms. Booth was an employee of the Sport Medicine Council of Canada?

A. Yes.

Q. I believe you said Mr. Wade is now with the Sport Medicine Council of Canada?

10 A. Yes, he just changed jobs.

Q. Do you know if his work there with the Sport Medicine Council is in connection with dope testing of Canadian athletes?

A. Yes.

15 Q. And how long have you known Mr. Wade?

A. Oh, since grade 11, years. He is an old Ottawa athlete as well.

Q. Are you aware of his reputation for integrity in the track and field community?

20 A. Oh, yes. Casey has tremendous integrity. He is a very honest and I guess good person, very respected in the track and field world, and, obviously, in the sports world, too, because SMCC asked him to come to them.

25 Q. And may I ask you how long have you

known Mr. Ouellette?

A. Since the early 1980s. I am not sure exactly what year I met him, but he's been a meet director for a number of years as well as Chairman of the Board.

5 Q. Are you aware of Mr. Oullette's reputation for integrity in the track and field community in Canada?

A. Yes.

Q. What is it?

10 A. It is good, it is solid.

Q. Now, we have heard evidence here that something more than rumors, some specific knowledge of anabolic steroid use at various times in the past few years came to the attention of staff members of the CTFA. And I wonder if you can enlighten us as to what knowledge or information reached the board level of the CTFA?

15

A. I do not believe that specific information was ever relayed to the board about particular -- particular rumours. There were, of course, rumours circulating, but the board was never given any specific information to go on.

20

THE COMMISSIONER: Well, you wouldn't be involved with all the process of random testing unless you thought there were a lot of --

25 THE WITNESS: We heard --

THE COMMISSIONER: -- people out there?

THE WITNESS: -- rumours and we knew that the use of banned substances was a problem in track and field.

5 THE COMMISSIONER: Yes.

THE WITNESS: But what I am saying is that specific information sort of particular -- there was always the Charlie Francis group, allegations that they were using -- were using banned substances, but it was --
10 it was never any more specific than that. On what are you basing that? Well, they are getting big, they are doing awfully well. That's as specific as things got.

That's what I mean. Of course, we knew there was a serious problem that had to be dealt with and
15 we wanted to deal with it seriously.

MR. BOURQUE:

Q. Now, can I just ask you finally with respect to the Top Form Track Club. I wonder if you could
20 tell us of some or identify for us some the top flight Canadian athletes who are members of that club and in addition identify the events of these athletes?

A. Okay, I will try to remember them. I am on it, Charmaine Crooks whose a 400-meter runner, was a
25 member of the silver medal team in 1984 in the women's 4 X

400 meters.

Michelle Brotherton who is a shot -- I believe she does shot and who has just qualified with the standard for the Commonwealth Games.

5 Bob Ferguson, whose been one of Canada's top pole vaulters for quite a period of time. Glenroy Gilchrist I believe has expressed an interest in joining. He is a long jumper on the national team. I don't believe he is yet a member, however.

10 I am trying to think of all the other -- Allison Baker who is another race walker on the national team as well and who is also qualified for the Commonwealth Games.

15 I know there are more, but I can't remember them all.

MR. BOURQUE: Thank you. Thank you, Mr. Commissioner.

THE COMMISSIONER: Thank you, Mr. Bourque. Any other questions.

20 THE COMMISSIONER: Ms. Chown, any re-examination.

MS. CHOWN: No, thank you.

THE COMMISSIONER: Well, thank you very much, Ms. Peel, for your very thoughtful testimony.

25 THE WITNESS: Thank you.

THE COMMISSIONER: Thank you for helping
us.

All right. That's all I understand for
today.

5 MS. CHOWN: Yes, it is, Mr. Commissioner.

THE COMMISSIONER: All right, tomorrow
morning at 10 o'clock.

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--- Whereupon the proceedings adjourned until Wednesday,
June 28, 1989 at 10:00 a.m.

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